

# RESPONSE TO PETITION FOR CUSTODY DECREE/PARENTING PLAN MODIFICATION

King County Family Law Facilitators: Instruction #P-2  
Revised Code of Washington 26.09.260  
King County Local Family Law Rules

*King County Local Family Law Rule 13 requires each party to attend a parenting seminar within 60 days of filing and prior to the entry of final orders in this legal action. An information sheet regarding this mandatory seminar is available.*

## STEP 1: DETERMINE THE DEADLINE FOR YOUR RESPONSE

The deadline for your response depends on how you were served with the other parent's documents. The deadline for your response is:

- 20 DAYS, if you were personally served in the State of Washington
- 60 DAYS, if you were personally served outside of the State of Washington, or by publication (from date of first publication)
- 90 DAYS from date of mailing, if you were served by mail.

**If you do not respond in a timely manner, the Court may enter an Order of Default against you and the moving party may obtain everything he or she requested in the Petition. Note:** If you agree with everything in the moving party's paperwork, you can join in the Petition and avoid a trial. See Facilitator Instruction #P-3, Agreed Custody Decree/Parenting Plan Modification.

## STEP 2: TALK TO AN ATTORNEY, IF POSSIBLE

**These instructions are not a substitute for legal advice. The laws and court rules are complex and following these instructions will not guarantee you a favorable result. It is always advisable to talk to a lawyer about your problem before filing your action.** If you cannot afford to hire an attorney to represent you, you may be able to pay a lawyer to give you advice and review your paperwork for a lesser cost. Contact the King County Bar Association Lawyer Referral Line for information about limited services representation. If you cannot afford these costs, there are limited free legal services available to low income people. Contact the Facilitators' Office for a *Legal Resource List* or the King County Bar Association Lawyer Referral Line for information about resources for low income people.



### **STEP 3: COMPLETE THE REQUIRED FORMS**

**You will need:**

- [Response to Petition for Modification of Custody Decree/Parenting Plan \(WPF DRPSCU 07.0200\)](#)
- [Declaration re: Service Members Civil Relief Act \(WPF 01.0200\)](#)
- [Return of Service \(WPF DRPSCU 01.0250\)](#) (See Step 5.)

**And, unless you wish to keep the current Parenting Plan exactly as it is:**

- [Parenting Plan \(WPF DR 01.0400\)](#)

*NOTE: Before signing the final parenting plan, the court will consult the judicial information system and databases, if available, to determine the existence of any information and proceedings that are relevant to the placement of the children.*

- [Declaration in Support of Proposed Parenting Plan \(WPF DR 04.0120\)](#)

**If the other parent requested a change in the amount of child support, you will also need:**

- [Child Support Worksheets WSCSS – Worksheets](#) or [WSCSS – Worksheets RDP \(Registered Domestic Partnership\)](#)
- [Financial Declaration \(WPF DRPSCU 01.1550\)](#)
- [Sealed Financial Source Documents \(WPR DRPSCU 09.0220\)](#). Attach copies of the other financial documents required for a change in custody or child support: complete tax returns for the past 3 years with all schedules and W-2s; complete tax return for the year that the prior order of child support was entered; all pay stubs showing income for the past 6 months or since January 1, whichever period is greater; and all statements of financial institutions for accounts listing you as account holder or in which you have an interest. If you have a partnership or corporation, see also King County Local Family Law Rule 10.

**If the other parent has set a date for an Adequate Cause Hearing, you will also need:**

- [Declaration \(WPF DRPSCU 01.0100\)](#)
- [Order Re Adequate Cause \(WPF DRPSCU 07.0300\)](#)

**If the other parent is requesting temporary orders at the adequate cause hearing (orders that will remain in place until the trial), you will also need:**

- [Temporary Order WPF DR 04.0250](#)
- [Parenting Plan \[temporary\] WPF DR 01.0400](#)
- [Declaration in Support of Proposed Temporary Parenting Plan WPF DR 04.0120](#)
- [Order of Child Support WPF DR 01.0500](#)

**If the other parent has NOT set a date for an Adequate Cause Hearing, and you would like to schedule it, you will also need:**

- [Respondent's Notice of Hearing for Adequate Cause Determination WPF DRPSCU 07.0255](#)

**\*\*Scheduling your Adequate Cause Hearing**



Petitioner must schedule an Adequate Cause Hearing no later than 23 weeks after the Petition has been filed, and not before the respondent's response deadline. After your Response has been filed, you may choose to schedule the Adequate Cause Hearing yourself, if the Petitioner has not already done so.

To schedule the Adequate Cause Hearing file and serve the Respondent's Notice of Hearing of Adequate Cause Determination. The non-moving party (petitioner) must be given at least 14 days notice of the hearing

***Date and Time:*** In Seattle, you may pick any weekday for your adequate cause hearing. The time must be 1:30 p.m. In Kent, the time must be set for 1:30 p.m. on any week day except Tuesday.

***Place:*** King County Courthouse for Seattle cases or Kent Regional Justice Center for Kent cases.

***Room/Department:***

The hearing will take place in the Family Law Department, Room W291 for Seattle cases or Room 1-G for Kent cases.

The purpose of this hearing is to decide whether the case should proceed to trial or be dismissed.

If the case is not dismissed at the Adequate Cause Hearing, either party may file a Motion for Temporary Orders at a later date. However, to request temporary orders at any time other than at the Adequate Cause Hearing, you must follow Facilitator Instruction # F-4, Motion for Temporary Orders.

<b>STEP 4: MAKE COPIES, FILE WITH CLERK AND DELIVER WORKING PAPERS</b>
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**Make 3 copies of your papers** (all forms except the Return of Service). If either party is requesting an Order of Child Support and the children have ever received public assistance, you will need to make 4 copies.

**On the copies only of your proposed orders, write "PROPOSED" in the upper right hand corner.** Bring the originals of the orders you want the Court to sign to the Adequate Cause Hearing.

**File the originals of the following forms with the Clerk's Office,**

- Response to Petition for Modification of Custody Decree/Parenting Plan (WPF DRPSCU 07.0200)
- Declaration re: Service Members Civil Relief Act(WPF 01.0200)

**and, if applicable:**

- Parenting Plan (WPF DR 01.0400)



- Declaration in Support of Proposed Parenting Plan (WPF DR 04.0120)
- Child Support Worksheets
- Financial Declaration (WPF DR 01.0550)
- Sealed Financial Source Documents (WPR DRPSCU 09.0220), with attachments
- Declaration (WPF DRPSCU 01.0100)

**Deliver “Working Papers,”** (copies of all forms) to the Family Law Motions Coordinator.

In the top right hand corner of your Working Papers write:

*Working papers*

*Family Law Motions*

*Hearing Date:* [Fill in your hearing date]

*Hearing Time:* 1:30 p.m.

*Presented by:* [Fill in your name]

#### **STEP 5: SERVE THE OTHER PARTY**

**Serve the other party** with one complete set of copies of all forms, except the Return of Service form. You may serve these papers by delivering or mailing them yourself (provided that no order restrains you from having contact). You must respond to the Petition by the deadlines listed in Step One **and** respond to the motions by noon, 4 court days before the hearing. *If you are mailing the documents, mail them at least 3 days before the deadline.* If an attorney has appeared on behalf of the other party, deliver or mail to the attorney instead. After you have delivered or mailed your documents, fill out the Declaration of Mailing or Delivery form. Make one copy of this form for your records and file the original with the Clerk’s Office. If you have someone other than yourself, who is 18 years of age or older, serve the other party, that person must complete and sign the Return of Service form. After the server has completed the Return of Service, make one copy for yourself and file the original with the Clerk’s Office.

**If either party is requesting a change in child support and the children have ever received public assistance, you must deliver a set of copies to the Prosecuting Attorney’s office, Family Support Section.**

#### **STEP 6: CONFIRM YOUR ADEQUATE CAUSE HEARING (This applies ONLY if you have set the Adequate Cause Hearing)**

**IF YOU FAIL TO CONFIRM THE HEARING IT WILL BE AUTOMATICALLY CANCELED.**

→ **Seattle cases, call (206) 296-9340** → **Kent cases, call (206) 205-2550**

Call between 2:30 and 4:15 p.m. 3 court days prior to the hearing **or** between 8:30 and 12 noon 2 court days prior to the hearing. Have your case number available when you call. Confirm your Motion for Adequate Cause and your Motion for Temporary Orders.



## **STEP 7: ATTEND THE ADEQUATE CAUSE HEARING**

### **Bring to the Adequate Cause Hearing:**

- The completed original of Order Re Adequate Cause
- Your set of copies of all documents, including the Return of Service

**If Temporary Orders have been requested**, bring the completed originals of your proposed:

- Temporary Order
- Parenting Plan (temporary)
- Order of Child Support
- Child Support Worksheets

Check in for your adequate cause hearing at the Family Law Motions desk.

When your case is called, each of you will have 5 minutes to present your argument to the Commissioner. The Commissioner will then sign court orders either dismissing the case or allowing it to proceed to trial, as well as ruling on any temporary orders requested. All original orders signed by the Commissioner must be filed in the Clerk's office.

**DO NOT LEAVE THE COURTHOUSE WITH THE SIGNED ORIGINAL ORDERS.**

## **STEP 8: FOLLOW YOUR CASE SCHEDULE AND PREPARE FOR TRIAL**

**If the case is not dismissed at the adequate cause hearing, you must continue to meet the deadlines in preparation for your trial.** Refer to the Order Setting Domestic Modification Case Schedule for deadlines that must be met and for the date of your trial. If you fail to follow your case schedule, your case may be dismissed and you may incur fines.

**The Facilitators cannot provide you with assistance in trial preparation.** You are strongly advised to talk to an attorney. Limited instructions for complying with the Case Schedule deadlines and preparing for trial are available from the Facilitators.

**WARNING: These instructions are not a substitute for legal advice. The laws and court rules are complex and following these instructions will not guarantee you a favorable result. It is always advisable to talk to a lawyer about your problem before filing your action. If you need a lawyer call the King County Bar Association Lawyer Referral Line.**